APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,177	06/24/2003	Altti Pekka Henrik Vetelainen	884.0008.U1(US)	1496

29683 7590 05/02/2006		EXAMINER
HARRINGTON & SMITH, LLP		ALLEN, WILLIAM J
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ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/606,177	VETELAINEN, ALTTI PEKKA HENRIK
	Examiner	**Art Unit**	
	William J. Allen	3625	

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 June 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _10 September 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _11/3/03_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Specification

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in **narrative form** and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. **The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.** The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   **Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature which constitute "descriptive material." Abstract ideas, Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d at 292-93, 30

USPQ2d at 1457-58, are not patentable. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se. Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Claim 15 fails to recite a computer program that is embodied on a computer-readable medium. The claim is merely directed to a computer program per se.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1, 4-7, and 12-17 are rejected under 35 U.S.C. 102(e) as being**

anticipated by Schmueli et al. (US 20020147653, herein referred to as Schmueli).

Regarding claim 1, Schmueli teaches:

a) *displaying at least one data entry field to a user* (see at least: abstract, 0008,

Fig. 1);

b) *automatically displaying a user selectable option in response to user selection*

of the data entry field (see at least: 0008, claims 2 and 7); and

c) *providing access to an electronic wallet application, for the transfer of data into*

the data entry field, in response to user selection of the option (see at least: 0049-0051,

Fig. 6).

Regarding claims 4-7, Schmueli teaches:

(4) *wherein the terminal is an Internet terminal* (see at least: 0024, Fig. 1).

(5) *wherein the terminal is a handheld mobile Internet terminal* (see at least: 0003, 0027).

(6) *wherein the remote destination is an electronic commerce server* (see at least: abstract, Fig. 1).

(7) *wherein steps a), b), and c) are provided by a browser application* (see at least: abstract, 0003, 0006, 0010).

Regarding claim 12, Schmueli teaches *wherein step c) involves the successful completion of a security routine before access to the wallet application is granted* (see at least: 0035-0038). The Examiner notes that the login/authentication to access the keylet control launch bar, which controls access to the wallet, is done prior to gaining access to the wallet.

Regarding claims 13-14, Schmueli teaches:

(13) *automatically transferring data from the electronic wallet application into the data entry field, in response to the user selection of the option* (see at least: 0008, claims 2 and 7). The examiner notes that the user selects field and the data to be populated therein and the system automatically transmits the data into the field (i.e. no 'drag and drop' or similar action).

(14) *providing for user selectable transfer of data from the electronic wallet application into the data entry field, in response to the user selection of the option* (see at least: 0008, claims 2 and 7). The Examiner notes that the data is "user selectable".

Regarding claim 15-17, the limitations set forth in claims 15-17 closely parallel the limitations of claim 1. Claims 15-17 are thereby rejected under the same rationale.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 2-3, 8-9, 10-11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmueli in view of Bishop et al. (US 20040243520, herein referred to as Bishop).**

Regarding claims 2 and 3, Schmueli teaches all of the above as noted and

further teaches use of an electronic wallet (see at least: abstract, Fig. 6, 0049-0051).

The Examiner notes that by definition, an electronic wallet is software, residing as a

plug-in in the Web browser, that enables a cardholder to conduct online transactions,

manage payment receipts, store digital certificates, and store a credit card number and

shipping details [i.e. *personal data*] (see www.merchantseek.com/glossary.htm or

www.vpsource.com/glossary.html). Schmueli, though expressing secure procedures to

aces content (see at least: 0035-0038), does not expressly disclose the wallet

application including a *secure collection of personal data wherein at least some of the*

personal data is used for completing an electronic commerce transaction. Bishop

teaches the wallet application/server including a *secure collection of personal data*

wherein at least some of the personal data is used for completing an electronic

commerce transaction (see at least: abstract, 0008, 0036-0037, 0065). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Schmueli to have included *secure collection of personal data wherein at least some of the personal data is used for completing an electronic commerce transaction* as taught by Bishop in order to provide enhanced reliability and confidence in online transactions (see at least: Bishop, abstract).

Regarding claim 8, Schmueli teaches all of the above and teaches a selectable option presented to the user (see at least: 0008). Schmueli, however, does note expressly teach the option to be a *selectable device or icon*. Bishop teaches the use of toolbars/buttons (i.e. *selectable devices*), and icons (see at least: abstract, 0015, 0054, 0057). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Schmueli to have included the option to be a *selectable device or icon* as taught by Bishop in order to provide a transaction tool including a form fill component and an auto remember component for pre-filling forms with information previously provided by the user (see at least: Bishop, 0015). For examination purposes, the Examiner has interpreted a selectable device to include any device, icon, button, toolbar, or the like that has some imparted functionality.

Regarding claim 9, claim 9 contains a "wherein" clause attempting to further limit the selectable device or icon. A wherein clause that merely states the result of the

limitations in the claim adds nothing to the patentability or substance of the claim.

Alternatively, a wherein clause that relates back to and clarifies what is required by the

claim and gives meaning and purpose to the claim rather than merely stating inherent

results is a limitation that must be given patentable weight. The limitation displaying a

selectable device or icon adjacent to the data entry field simply state the results of

displaying the selectable device or icon and fail to clarify what is required by the claim,

thereby these limitations are given little weight in terms of patentability.

Regarding claim 10 and 11, Schmueli teaches all of the above and teaches

providing a selectable option (see at least: 0008). Schmueli, however, does not *wherein*

step b) is conditional on the availability of the wallet and *wherein step b) is conditional*

on whether the wallet application is enabled or disabled. In Bishop, the system tray icon

is displayed once the application has been initialized/enabled and is available (see at

least: 0015, 0053, 0054, 0057, 0079, 0083). The Examiner notes that if the application

of Bishop is not initialized (and thereby not enabled and available) the icon will not

appear; therefor, the icon's display is *conditional* on whether the application has been

initialized. It would have been obvious to one of ordinary skill in the art at the time of

invention to have modified the invention of Schmueli to have included *wherein step b) is*

conditional on the availability of the wallet and *wherein step b) is conditional on whether*

the wallet application is enabled or disabled as taught by Bishop in order to provide a

transaction tool including a form fill component and an auto remember component for

pre-filling forms with information previously provided by the user (see at least: Bishop, 0015).

Regarding claim 18, Schmueli teaches all of the above as noted and teaches *(a) displaying at least one data entry field to a user* (see at least: abstract, 0008, Fig. 1) and *(d) providing access to the electronic wallet application, for the transfer of data into at least the data entry field, in response to user selection of the icon* (see at least: 0049-0051, Fig. 6). Schmueli however, does not teach *(b) automatically detecting whether a wallet application is enabled* and *(c) displaying an icon, for user selection, if a wallet application is enabled.* Bishop teaches *(b) automatically detecting whether a wallet application is enabled* (see at least: 0015, 0053, 0079, 0083) and *(c) displaying an icon, for user selection, if a wallet application is enabled* (see at least: 0054-0056, Fig. 8). The Examiner notes that upon startup, the program is initialized and *subsequently* displays an icon in the system tray. In order to display said icon, the system must detect that the program has been initialized (i.e. enabled). Furthermore, the icon is displayed **if** the application has been initialized/enabled. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Schmueli to have included *automatically detecting whether a wallet application is enabled* and *(c) displaying an icon, for user selection, if a wallet application is enabled* as taught by Bishop in order to provide a transaction tool including a form fill component and an auto remember component for pre-filling forms with information previously provided by the user (see at least: Bishop, 0015).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 20020186255 A1: Method and system of facilitating on-line shopping using an internet browser

- US 6125352 A: System and method for conducting commerce over a distributed network

- US 20020026419 A1: Apparatus and method for populating a portable smart device

- US 20020042747 A1: Automatic prompting for printer ink refill

- US 20020077993 A1: Method and system for conducting wireless payments

- US 6873974 B1: System and method for use of distributed electronic wallets

- US 20010029496 A1: Systems and methods for providing anonymous financial transactions

- US 20020013788 A1: System and method for automatically learning information used for electronic form-filling

- US 20020057678 A1: Method and system for wireless voice channel/data channel integration

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogesh Garg can be reached on (571) 272-6756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William J. Allen
Patent Examiner
April 28, 2006